



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 18, 2005

Date of Meeting: September 13, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 3:05 p.m. on Tuesday, September 13, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Jim Corley, Crosspoint Community Church, after which the pledge of allegiance was presented by the entire assembly.

Presentation:

- a. Presentation of an award from the Institute of Transportation Engineers. Jim Glock, Director of Transportation, and Richard Nassi, Traffic Engineer, accepted on behalf of the Transportation Department.
- b. Council Member Scott made presentations to volunteers and staff who made the Ward 4 Back to School Bash a successful event.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 492, dated September 13, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member Ronstadt thanked Andrew Greenhill, Chief of Staff of the Mayor's office, for his extraordinary work in coordinating the relief efforts for Hurricane Katrina evacuees.
- b. Council Member West announced there would be a Town Hall meeting on September 15, 2005, at 7575 East Speedway regarding the Regional Transportation Plan. On September 17, 2005, she and Council Member Ronstadt would be co-hosting another Town Hall on the Regional Transportation Plan at the Udall Center.
- c. Council Member Scott announced on September 19, 2005, the Ward 4 Council Office and Pima County Supervisor Ray Carroll would be holding a joint Regional Transportation Authority meeting at Desert Sky Middle School in Rita Ranch and all were invited to attend.
- d. Mayor Walkup thanked City Manager Mike Hein and his staff for coordinating the efforts of the social service agencies and volunteers in the relief efforts for Hurricane Katrina evacuees.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 493, dated September 13, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. On September 14, 2005, at the Randolph Golf Course Clubhouse, the public is invited to participate in a community listening session sponsored by the Growing Smarter Oversight Council (GSOC). The listening session is an opportunity for the Tucson community to share thoughts on growth, stewardship of natural resources, diversified economies, and transportation.
- b. Today is Election Day for Wards 3, 5 and 6. The polls will close at 7:00 p.m. Questions should be directed to the City Clerk at 791-4213.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 494, dated September 13, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Pizza Hut Wing Street #46, Ward 4
8140 S. Houghton Road, Suite 180
Applicant: Walter Brent Kyte
Series 12, City 67-05
Action must be taken by: September 23, 2005
Staff has indicated the applicant is in compliance with city requirements.
2. S & K Market, Ward 3
2520 N. 15th Avenue
Applicant: Chankiry Chhang
Series 10, City 68-05
Action must be taken by: September 24, 2005
Staff has indicated the applicant is in compliance with city requirements.
3. Central, Ward 6
400 N. Toole Avenue
Applicant: Mark Schiele Economou
Series 12, City 69-05
Action must be taken by: September 24, 2005
Staff has indicated the applicant is in compliance with city requirements.

4. Panizza Italian Bistro, Ward 6
944 E. University Blvd.
Applicant: Lloyd Leath Rabb, III
Series 12, City 70-05
Action must be taken by: October 7, 2005
Staff has indicated the applicant is in compliance with city requirements.

Person/Person Transfer

5. Parrilla Del Rey, Ward 5
5358 S. Nogales Hwy.
Applicant: Rogelio Montes Linares
Series 06, City 71-05
Action must be taken by: October 7, 2005
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest Filed

This item was continued to the meeting of September 20, 2005, at the request of staff.

c. Special Event

1. Optimist Clubs of Tucson, Ward 6
900 S. Randolph Way
Applicant: Esther Marie Hillman
City T67-05
Date of Event: September 29, 30 & October 1, 2, 2005
Oktoberfest Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
2. Escaramuza Flor De Primavera, Ward 5
4823 S. 6th Avenue
Applicant: Maria Lourdes Celaya
City T68-05
Date of Event: October 22, 2005
Entertainment & Educate Mexican Culture
Staff has indicated the applicant is in compliance with city requirements.
3. Mano Amiga, Ward 5
4823 S. 6th Avenue
Applicant: Jesusita Moreno
City T70-05
Date of Event: September 24, 2005
Concert
Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Firefighters' Association Local 479, Ward 1
160 W. Alameda Street
Applicant: Gerry R. Bowlin
City T72-05
Date of Event: November 4, 2005
Fundraiser for Adopt-A-Family
Staff has indicated the applicant is in compliance with city requirements.
5. It's Happening Downtown Inc., Ward 6
26-56 E. Congress Street
Applicant: Barbara A. Zelano
City T73-05
Date of Event: September 24, 2005
Community Cultural Event
Staff has indicated the applicant is in compliance with city requirements.
6. St. Elizabeth Ann Seton R.C. Church, Ward 3
4502 N. 1st Avenue
Applicant: Janet Francis McLay
City T74-05
Date of Event: October 20, 21, 22, 23, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
7. Foundation for Pima Animal Care/National Heritage Foundation, Ward 1
288 N. Church Avenue
Applicant: Mary Ann Purnell
City T75-05
Date of Event: October 17, 2005
Fundraiser/Awards
Staff has indicated the applicant is in compliance with city requirements.
8. Artsake Foundation, Ward 6
Congress St. between Aviation & 6th Avenue;
5th Avenue between Broadway Blvd. & Toole
Applicant: Jeb Bley Schoonover
City T76-05
Date of Event: October 8, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4; and 5c1 through 5c8 to the Arizona State Liquor Board with a recommendation for approval, and to continue liquor license application 5b5 for one week to September 20, 2005.

6. CONSENT AGENDA – ITEMS A THROUGH I

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE NATIONAL MARROW DONOR PROGRAM

1. Report from City Manager SEPT13-05-500 WARD 6
2. Resolution No. 20177 relating to finance; approving and authorizing the transfer of six hundred fifty dollars (\$650) from the Community Support Fund to Organization 001-183-1898-268, for the testing of bone marrow donors at a drive held by the National Marrow Donor Program (NMDP) and Pima Community College on July 30, 2005; and declaring an emergency.

This is a request by Council Member Ronstadt. Allocation of funds is as follows:

Council Member Ronstadt - \$650.00

B. ASSURANCE AGREEMENT: (S04-106) FLOWERS CONDOMINIUMS SUBDIVISION (RCP), UNITS 1 TO 16 AND COMMON AREAS “A”, “B”, AND “C”

1. Report from City Manager SEPT13-05-502 WARD 3
2. Resolution No. 20178 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-106 of a final plat for the Flowers Condominiums Subdivision, Units 1 to 16 and common areas “A” - “C”; and declaring an emergency.

C. FINAL PLAT: (S04-106) FLOWERS CONDOMINIUMS SUBDIVISION (RCP), UNITS 1 TO 16 AND COMMON AREAS “A”, “B”, AND “C”

1. Report from City Manager SEPT13-05-498 WARD 3
2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- D. ASSURANCE AGREEMENT: (S05-012) LIBERTY VILLAGE SUBDIVISION (RCP), LOTS 1 TO 94 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager SEPT13-05-499 WARD 4
 2. Resolution No. 20179 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-012 of a final plat for Liberty Village Subdivision, lots 1 to 94 and common areas “A” - “C”; and declaring an emergency.
- E. FINAL PLAT: (S05-012) LIBERTY VILLAGE SUBDIVISION (RCP), UNITS 1 TO 94 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager SEPT13-05-503 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR 36TH STREET TRAILHEAD FACILITY
1. Report from City Manager SEPT13-05-501 WARD 1
 2. Resolution No. 20180 relating to real estate; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County to provide enhanced and secure access via the 36th Street Trailhead to Pima County’s Tucson Mountain Park; and declaring an emergency.
- G. ASSURANCE AGREEMENT: (S02-035) TANQUE VERDE LA RIENDA SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E” (CONTINUED FROM THE MEETING OF SEPTEMBER 7, 2005)
1. Report from City Manager SEPT13-05-507 WARD 2
- Item G was continued to the meeting of September 20, 2005, at the request of staff.
- H. FINAL PLAT: (S02-035) TANQUE VERDE LA RIENDA SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E” (CONTINUED FROM THE MEETING OF SEPTEMBER 7, 2005)
1. Report from City Manager SEPT13-05-508(2) WARD 2
- Item H was continued to the meeting of September 20, 2005, at the request of staff.

I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR DEVELOPMENT OF A MASTER PLAN FOR THE AREA KNOWN AS “FANTASY ISLAND”

1. Report from City Manager SEPT13-05-506 WARD 4
2. Resolution No. 20181 relating to urban planning and design; approving and authorizing the Mayor to execute an Intergovernmental Agreement between the City of Tucson and Pima County for the development of a master plan for the area known as “Fantasy Island”; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through I, with the exception of Items G and H, which would be continued to the meeting of September 20, 2005, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through I, with the exception of Items G and H, which were continued to the meeting of September 20, 2005, were declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney stated concerns regarding the University of Arizona Science Center bridge proposed for downtown and the possibility that it would not stand up during monsoons. He also expressed concerns about various downtown facilities.
- b. Tiffer Hill expressed disappointment with the decision Tucson Police Chief Richard Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.

- c. Serena Rios read a letter, which she submitted, expressing disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.
- d. Candice Hill-Crouch expressed disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.
- e. Rachelle Barr expressed disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.
- f. Nicole Munguia expressed disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.
- g. Anne Morales expressed disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.
- h. Beryl Kelley expressed disappointment with the decision Chief Miranda made to remove youth workers from the Tucson Convention Center during the relief efforts for Hurricane Katrina.

8. ZONING: (C9-05-12) RB PRICE – HERMAN’S ROAD, SH/C-2 TO R-1, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 496, dated September 13, 2005, would be received into and made a part of the record. This was a request to rezone property located north of the alignment of Herman’s Road and south of I-10. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative was present, and if they were aware of and agreeable to the proposed requirements.

Linda Morales of The Planning Center, on behalf of the property owners, West Kolb LLC, said they agreed to all the conditions.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner.

9. ZONING: (C9-05-11) SHULTE – SPEEDWAY BOULEVARD SR TO O-3, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 497, dated September 13, 2005, would be received into and made a part of the record. This was a request to rezone property located on the south side of Speedway Boulevard, east of the Pantano Wash. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative was present, and if they were aware of and agreeable to the proposed requirements.

Phil Swaim of Phil Swaim Associates Architects, on behalf of the property owners, Shulte Investment Company, said they agreed to all the conditions.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner.

10. ZONING: C9-04-23 UMC NORTH PAD – CAMPBELL AVENUE R-2/O-3 TO PAD-11, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager communication number 505, dated September 13, 2005 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10197 by number and title only.

Ordinance No. 10197 relating to zoning: amending zoning district boundaries in the area located on the east side of Campbell Avenue north and south of Allen Road in Case C9-04-23, UMC North Pad - Campbell Avenue, R-2 and O-3 to PAD-11; and setting an effective date.

It was moved by Vice Mayor Dunbar, duly seconded, to pass and adopt Ordinance 10197.

Vice Mayor Dunbar complimented all the neighbors who had worked so hard on this project. One of the premier cancer centers in the United States would be on this property, and she was very pleased.

Council Member Ibarra asked the City Attorney if he had a conflict of interest due to his wife’s part-time employment with University Medical Center.

Michael Rankin, City Attorney, said Mrs. Ibarra’s employment did not rise to the level of conflict of interest.

Mayor Walkup called for a roll call vote.

Kathleen S. Detrick, City Clerk, clarified that the motion included authorizing the PAD-11 zoning and adopting the UMC North PAD, as well as adopting Ordinance 10197.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10197, including authorizing the PAD-11 zoning and adopting the UMC North PAD was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-05-10) ORACLE/INA LLC – VALENCIA ROAD, C-1 TO C-1/C-2, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager communication number 504, dated September 13, 2005 would be received into and made a part of the record. This was a request to rezone property located on the southwest corner of Valencia Road and Headley Road. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative was present, and if they were aware of and agreeable to the proposed requirements.

Jim Portner of Projects International, Inc., on behalf of the property owner, Leon Marx of North Oracle/Ina, LLC, said they agreed to all conditions as recommended by staff.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0 to approve the request for rezoning as recommended by the Zoning Examiner.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager communication number 495, dated September 13, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Council Member West announced her personal appointment of Dale F. Rucker as the Ward 2 representative to the Environmental Services Advisory Committee.

13. ADJOURNMENT: 3:57 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, September 20, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 13th day of September 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:lp/sl